ZALEHA BTE SAHRI.

v.

PENDAFTAR HAKMILIK TANAH JOHOR.

HIGH COURT MALAYA, JOHORE BAHRU
DATO' HJ. ABDUL MALIK BIN HJ. ISHAK J
[ORIGINATING SUMMONS NO. 24-1024 OF 1995]
26 JANUARY 1996

LAND LAW: *Malay Reservation - Application to revoke status - Section 4(i)(b) Malay Reservation Enactment 1936 - Definition of "Malay" in s. 2 of Enactment narrowed down by ruling of State Government to exclude non-citizen Malays - Plaintiff obtaining land while being a Malay but later assumed foreign citizenship and became a non-Malay - Plaintiff's interest in land - Whether adversely affected - Grant of declaratory relief - Whether warranted - Whether just and fair - Malay Reservation Enactment 1936 ss. 2, 2(i), 3, 4(i)(b), 7, 8, 20.*

INTERPRETATION: *Malay Reservation Enactment 1936 - Sections 2 & 7- Definition of "Malay Reservation" and "Malay Holding"- Whether inadequate - Whether there was a lacuna - Provisions of ss. 8 & 20 of Enactment - Whether calling for an amendment.*

In 1974, the plaintiff, a Malaysian Malay, had secured from the State Government of Johore (the State Government), a piece of land (the land) in the township of Johore Bahru. She thereafter built a house on the land. In 1983 the plaintiff followed her husband, a Singapore Malay, to Singapore, and in that same year became a Singapore citizen. By this change of citizenship, the plaintiff was, to all intents and purposes, a Singapore Malay.

In 1987, the State Government gazetted the land as a Malay Reservation and a memorial to that effect was made on the register document of title thereto.The gazette notification notwithstanding, the plaintiff's ownership of the land was not at all affected, as, although she was a Singapore Malay, she was still a "Malay" by virtue of s. 2 of the Malay Reservation Enactment (the Enactment) which defined "Malay" as "a person belonging to the Malay race who habitually speaks the Malay language or any Malaysian language and professes the Muslim religion." However, on 24 April 1989, the State Government, acting apparently under s. 22 of the Enactment, defined a "Malay" for purposes of the Enactment as not only a Malay as defined in s. 2, but also a Malay having Malaysian citizenship. Thus, by this ruling, the plaintiff, being a Singapore Malay, was under the Enactment a non-Malay.

The change in her personal status had put the plaintiff in a dilemma, as, at about that time, the plaintiff and her family had been residing in Johore Bahru, and occupying the house on the land. On 20 October 1995, the plaintiff wrote to the defendant, the Pendaftar Hakmilik Tanah, Johor Bahru, wherefore she sought to revoke the declaration of the land as a Malay Reservation under s. 4(i)(b) of the Enactment, citing her status as a Singapore Malay and her desire to pass the land to her husband and children as reasons therefor. The defendant did not respond and the plaintiff, hence, applied to this Court for a declaration that the endorsement "Rizab Melayu" or "Malay Reservation" on the land was made in error and be deleted, on the grounds, firstly, that she is not a Malaysian citizen and therefore not a Malay within the meaning of the Enactment, and secondly, that her husband and children, being Singapore citizens, could not inherit the property without the cancellation of the endorsement. The issue that arose was whether, having regard to the relevant provisions of the law, and the peculiar predicaments of the plaintiff, it would be fair and just for the Court to grant the declaration sought for.

Held:

[1] The ruling of 24 April 1989 has certainly affected the plaintiff's ownership of the land. Between 21 July 1974 when the plaintiff became the registered proprietor of the land till 22 April 1987 before the land was gazetted as a Malay Reservation, the plaintiff was free, had she wanted to, to sell the land together with the house to anyone, whether they were Malaysian citizens or Singapore citizens, Malays or non-Malays. But on 23 April 1987 when the land was gazetted as a Malay Reservation, the plaintiff, as a Singapore Malay, could only dispose of the land together with the house to the Malays, be they Malaysian citizens or Singapore citizens. However, on 24 April 1989, when the ruling restricting the meaning of the word "Malay" came into force, the legal position took a drastic change.The plaintiff, as a Singapore Malay, could no longer sell the land and the house to another Malay from Singapore, and neither could she bequeath the property in favour of her husband and her two children, and ironically, she could not also dispose of the property to a non-Malay even though she was then said to be a non-Malay. She could only sell the property to a Malaysian Malay.

[2] There is no provision in the Enactment akin to the position of the plaintiff. The proviso to s. 8 of the Enactment allows a non-Malay, who holds the land prior to the declaration that the land be in the Malay Reservation, to sell the land to a non-Malay, and if need be, to bequeath it to his children. It thus seems that the non-Malay as envisaged under the proviso to the said s. 8 is in a better position than the plaintiff, although she was born in Johore as a "Malay" within the meaning of s. 2 of the Enactment, albeit, subsequently, by virtue of her marriage, she became a Singapore

citizen and a Singapore Malay, and the ruling by the Johore State Government had made her into a non-Malay. The position obtaining is clearly absurd and ironical.

[3] Section 7(vi) of the Enactment speaks of the duty of the registering authority before making a memorial on the register document of title. That duty is certainly onerous. On the facts, however, the registering authority had acted prudently within the scope and purview of s. 7(vi) because, at the material time, the plaintiff as the registered proprietor of the land was a "Malay" as defined in s. 2 of the Enactment. Clearly, the registering authority was not then in a position to foresee that, by 24 April 1989, the meaning to the word "Malay" under s. 2 of the Enactment would be restricted and confined only to Malaysian citizens of the Malay race. Nonetheless, as the land has already been declared to be in Malay Reservation, it will only lose its character when it is revoked under the provisions of s. 4(i)(b) of the Enactment. Be that as it may, in the circumstances, a question must necessarily arise as to whether it is just to make the plaintiff a scapegoat for the State Government's ruling.

[4] Human law must generate justice. In this case justice can only be meted out by allowing the application. As an aggrieved party, the plaintiff is entitled to seek a declaration from the Court to ascertain her rights and obligations in regard to the land. As a registered proprietor of the land, the plaintiff is interested to see that the land be inherited by her husband and her children. It is the judgment of this Court that as non-Malays the plaintiff's husband and her children cannot inherit the land upon the death of the plaintiff. The only obstacle which should be removed is to revoke the status of the land as a Malay Reservation. Accordingly, a declaratory order is given in terms of the plaintiff's application.

Per Curiam: *The definition of the words "Malay Holding" in s. 2(i) of the Enactment is not happily worded. If the legislature thought that once a requisition in Form "A" of the First Schedule of the Enactment had been registered on the document of title, then the land shall be deemed to be a "Malay Holding", there is certainly no need to define the words "Malay Reservation" in the Enactment. This apart, the absence of the words "Malay Holding" in s. 7 of the Enactment seems inexplicable. If the legislature intends to say that the land in question became a Malay Holding as well as a Malay Reservation upon the register document of title to the land being registered with a requisition as provided in the said Form "A", then clear and precise words should have been employed.*

Per Curiam: *The learned State Legal Adviser may take the cue from this case and amend the law, such as ss. 8 & 20 of the Enactment, to solve the problems of other like minded plaintiffs who may be in the same predicament as the plaintiff here in the near future. Section 20 of the*

Enactment should be amended so as to prohibit all dealings or disposals whatsoever and all attempts to deal in or dispose of Malay Reservation or Malay Holding contrary to the provisions of the Enactment to be null and void and further to stipulate that no land officer in Johore shall register any dealing which is null and void.

[Application allowed. Order accordingly].

Cases referred to:

Tan Hong Chit v. Lim Kin Wan [1963] 29 MLJ 100; [1964] 30 MLJ 113 FC ***(cit)***
Mohamed Isa & Ors. v. Abdul Karim & Ors. [1970] 2 MLJ 165 ***(refd)***
Syarikat Macey Bhd. v. Nightingale Allied Services (sued as a firm) & Ors. [1995] 1 CLJ 890; [1995] 2 MLJ ***(dist)***
Ibeneweka v. Egbuna [1964] 1 WLR 219 PC ***(refd)***
Hanisah v. Tuan Mat [1970]1 MLJ 213 FC ***(refd)***
Pyx Granite Co Ltd. v. Ministry of Housing & Local Government [1960] AC 260; [1959] 3 All ER. 1 HL ***(refd)***

Legislation referred to:

Malay Reservation Enactment 1936 ss. 2, 2(i), 3, 4(i)(b), 7, 8, 20.

For the plaintiff - Norhalinah Mokhtar; M/s. Tan & Tan
For the defendant - Abdul Rashid Sudin; Senior Federal Counsel, State Legal Adviser's Chambers Johor Bahru

JUDGMENT

On 21 July 1974, as a Malaysian Malay, the plaintiff secured a piece of housing lot for a period of ninety-nine years and the expiry thereof would be on July 20, 2073. That housing lot is located right in the heart of Johore Bahru town measuring 7,688 square feet vide H.S.(D) 11635, PTB 5567, district of Johor Bahru in the township of Johore Bahru ("land"). The plaintiff as a Johore born and being a Johorean of Malay stock must be elated at the prospect of receiving this wonderful gift from the Johore State Government. Though it was not stated as to when the plaintiff started to build a house on that land yet the affidavit evidence showed that a house has since been built on that land with postal address as number 27, Jalan Cenderamata, Kampong Kurnia, 80250 Johor Bahru ("house").

The plaintiff's husband is a Singapore Malay and he works in Singapore. That is perfectly allright. Being a dutiful housewife the plaintiff followed her husband to Singapore and in 1983, to be precise on 8 January 1983, she became a Singapore citizen. She also stayed with her husband in Singapore at block 215, Marsiling Lane, #19-810. To all intents and purposes, the plaintiff is now a Singapore Malay.

On 23 April 1987 the land was gazetted as a Malay Reservation by the Johore State Government and a memorial was entered on the title deed bearing the legend in bold letters "Rizab Melayu". On 24 April 1989, the Johore State

Government defined a Malay for purposes of the Malay Reservations Enactment, 1936 ("Enactment") as not only a Malay as defined in s. 2 of the Enactment but also as a Malay having Malaysian Citizenship. The ruling by the Johore State Government is expressly stated by a circular from the Johore Director of Lands and Mines dated 10 June 1989 and for convenience it is reproduced hereinunder:

> PTG.J (R) 3 Jld. IV
>
> PEKELILING PTG BIL. 1/1989 TAFSIRAN MELAYU DIBAWAH ENAKMEN RIZAB MELAYU TAHUN 1936
>
> 1. TUJUAN
>
> Tujuan PekeliIing ini adalah untuk memaklumkan kepada semua Pentadbir Tanah Daerah mengenai Tafsiran "Melayu" yang telah diputuskan oleh Majlis Mesyuarat Kerajaan di dalam RM 362/89 bertarikh 24.4.89.
>
> 2. TAFSIRAN "MELAYU"
>
> Pehak Berkuasa Negeri telah memutuskan supaya Tafsiran "Melayu" di bawah Enakmen Melayu 1936,, hanyalah meliputi orang-orang Melayu yang terdiri daripada Warganegara Malaysia.
>
> Tafsiran tersebut menjelaskan dengan lebih lanjut definasi "Melayu" yang telah di beri di dalam Pekeliling PTG. 9/1956. Dengan demikian pandangan YB Penasihat Undang-Undang Negeri yang telah di salinankan di dalam Pekeliling tersebut perlulah diubahsuaikan dengan tidak meliputi semua orang Melayu yang datang dari kepulauan Melayu.
>
> Pentadbir Tanah Daerah-Pentadbir Tanah Daerah hendaklah menolak semua pindahmilik yang dilakukan kepada orang Melayu yang bukan Warganegara Malaysia.
>
> t. t (DATO' HJ. RAHMAT BIN A. RAHMAN)
>
> b.p. Pengarah Tanah Dan Galian,
>
> JOHOR.
>
> DPHF/a
>
> Tarikh : 10.6.89

Section 2 of the Enactment defines "Malay" in the following manner:

> "Malay" means a person belonging to the Malay or any Malaysian race who habitually speaks the Malay language or any Malaysian language and professes the Muslim religion.

It goes without saying that the Johore State Government has the authority to limit the scope of who is a Malay by virtue of s. 22 of the Enactment and in so doing the Johore State Government confined a "Malay" to those Malays

who are Malaysian citizens. This excludes all those Malays from the Malay archipelago and by necessary inference the Malays from Singapore. Section 22 of the Enactment enacts as follows:

> If any doubt shall arise as to whether any person is a Malay within the meaning of this Enactment or as to the, mode of operation of this Enactment or the manner in which the provisions thereof are to be construed or carried into effect or otherwise in relation thereto, the same shall be referred through the Menteri Besar to His Highness the Sultan in Council who shall decide the same, and every such decision shall be final and shall not be questioned or revised by any Court.

As a Singapore Malay, the plaintiff is now considered to be a non-Malay under the Enactment and she is in a dilemma as she now resides in Johor Bahru in the very same house on which the land stands together with her husband and her children who are all Singapore Malays. The plaintiff through her solicitors Messrs Tan & Tan wrote a letter dated 20 October 1995 to the Pendaftar Hakmilik Tanah, Johor Bahru and sought to revoke the declaration of the land as a Malay Reservation under s. 4 (b) of the Enactment citing her status as a Singapore Malay and her desire to pass the land to her husband and her children as her health was deteriorating. As expected there was no reply to her letter. To protect her interest especially to ensure that her children could inherit the land, she filed through her solicitors Messrs Tan & Tan in enclosure 3 which was subsequently amended as per enclosures 4 and 4A for a declaration:

> (1) That the endorsement of "RIZAB MELAYU" and all other memorial endorsements showing Rizab Melayu on the plaintiff's land H.S (D) 11635 PTB 5567, Bandar Johor Bahru were made in error and be deleted on the grounds that (i) the plaintiff who is not a Malaysian citizen and therefore not a Malay within the definition of the Malay Reservations Enactment, 1936 and (ii) the plaintiff's husband and her children who are of the Malay race and who are Singapore citizens cannot inherit the subject property unless the endorsement Malay Reserve is cancelled.
>
> (2) Further, any other relief as the Court shall deem fit.

Now, the plaintiff's position is unique. She has no intention of selling the house together with the land to anyone. She proposes to pass the house and the land to her husband and her two children. Between 21 July 1974 when the plaintiff became the registered proprietor of the land till 22 April 1987 before the land was gazetted as a Malay Reservation, the plaintiff was free, had she wanted to, to sell the land together with the house to anyone be it a Chinese, an Indian, a Punjabi, a Malay, or even a Eurasian whether they be Malaysian citizens or Singapore citizens. In other words, the scope of the purchasers for the plaintiff to sell the land together with the house to anyone is wider at that point of time. But on 23 April 1987 when the land was gazetted as part and parcel of a Malay Reservation till 23 April 1989, the plaintiff as a Singapore Malay could only dispose of the land together with the house to

the Malays who are not only Malaysian citizens but also Singapore citizens as well. For that matter, I venture to say that between 23 April 1987 till 23, 1989, the plaintiff was entitled to sell her land and the house thereto to even the Malays from the Malay archipelago so long as they speak the Malay language and professes the Muslim religion as envisaged under s. 2 of the Enactment. On 24 April 1989 the legal position changes when the Johor State Government made a ruling to restrict the meaning to the word "Malay" to Malaysian citizens who speak the Malay language and profess the Muslim religion as set out in the early part of this judgment. This ruling certainly affects the plaintiff's ownership of the land as on 24 April 1989 and thereafter, the plaintiff as a Singapore Malay, cannot sell the land together with the house thereto to another Malay from Singapore and neither can she bequeath the property in favour of her husband and her two children who are Singapore Malays and, ironically, she cannot dispose of the property to a non-Malay even though she is now said to be a non-Malay; however, she can sell the property to a Malaysian Malay. Thus, by 24 April 1989 the plaintiff is not in an enviable position.

There is no provision in the Enactment akin to that of the position of the plaintiff. The *proviso* to s. 8 of the Enactment allows a non-Malay, who holds the land prior to the declaration that the land be in the Malay Reservation, to sell the land to a non-Malay and, if need be, to bequeath it to his children. It seems to me that the non-Malay as envisaged under the proviso to s. 8 of the Enactment is in a better position than the plaintiff here who was born in Johore as a "Malay" within the meaning of s. 2 of the Enactment and, subsequently, by virtue of her marriage to a Singapore Malay she became not only a Singapore citizen but also a Singapore Malay and the ruling by the Johore State Government makes her into a non-Malay. An absurd position. Ironical. Must this Court remain idle and not grant her the declaration which she dearly sought for? For convenience, s. 8 of the Enactment is reproduced hereinunder:

> 8. No State land included within a Malay Reservation shall be alienated to any person not being a Malay.
>
> Provided that if an application for land by a person not, being a Malay has been approved prior to the declaration of a Malay Reservation the land the subject of such application may be alienated to a person not being a Malay.

Perhaps the learned State Legal Adviser may take the cue from here and amend the law to solve the problems of other like minded plaintiffs who may be in the same predicament as the plaintiff here in the near, future. It goes without saying that the plaintiff here must surely envy the non-Malay in Kelantan in the case of *Tan Hong Chit v. Lim Kim Wan* [1963] 29 MLJ 100; *Tan Hong Chit v. Lim Kin Wan* [1964] 30 MLJ 113 FC.

What will happen to the land after the death of the plaintiff? Will her husband and her two children inherit the land? These are pertinent questions which demand answers. Now, when the land has been so declared to be in Malay

Reservation on 23 April 1987, it will lose its character only when it is revoked under the provisions of s. 4(i)(b) of the Enactment which states:

> 4 (i) The Commissioner may at any time, with the approval of his Highness the Sultan in Council by declaration published in the Gazette.
>
> (b) revoke any declaration whereby any land has been declared to be a Malay Reservation, either as to the whole or any part of the area therein referred to.

It is my judgment that s. 4(i)(b) of the Enactment envisages the situation wherein the revocation need to be expressed and not implied and that such revocation has to be gazetted so as to be effective *(Mohamed Isa & Ors. v. Abdul Karim & Ors.* [1970] 2 MLJ 165). The scheme of the Enactment is to preserve and protect Malay interests and this is clearly reflected in the preamble to the Enactment which states that it is:

> An Enactment to prevent interests in land from passing out of the hands of the Malay race.

Section 3 of the Enactment empowers the Commissioner with the approval of His Highness the Sultan in Council by notification in the gazette to declare any area of land within the State to be a Malay Reservation. Of cardinal importance would be s. 20 of the Enactment which provides that all dealings or disposals whatsoever and all attempts to deal in or dispose of any Malay holding contrary to the provisions of the Enactment shall be null and void and no rent paid in pursuance of any such dealing, disposal or attempt shall be recoverable in any Court. But the land in question is not a Malay holding. It is a Malay Reservation. The words "Malay holding' is defined in s. 2 (i) of the Enactment to mean "any registered interest of a Malay as proprietor or coproprietor in any alienated land included in a Malay Reservation duly declared and gazetted under the provisions of this Enactment, provided that no such interest shall be deemed to be a Malay holding until there shall have been registered against the registers document of title for such land a requisition in the Form "A" in the First Schedule as provided in s. 7. It is interesting to note that the words "Malay holding' do not appear in Form "A" of the First Schedule to the Enactment. Neither do the words "Malay holding" appear in s. 7 of the Enactment or employed therein. In such a baffling situation, it is correct to say that the definition of the words "Malay holding" in s. 2 (i) of the Enactment is not happily worded. If the Legislature thought that once, a requisition in Form "A" of the First Schedule to the Enactment had been registered on the register document of title, then the land shall be deemed to be a "'Malay holding", why then must there be a need to define the words "Malay Reservation' in the Enactment and why must there be an absence of the words "Malay holding" in s. 7 of the Enactment. In fact, as was done here the land had been declared and gazetted under the provisions of the

Enactment as a Malay Reservation and a memorial to that effect had been made on the register document of title. For convenience, that memorial on the register document of title to the land reads as follows:

> Tanah yang dinyatakan dalam hakmillk ini telah di masukkan dalam kawasan Rezab Melayu Kampong Kurnia bagaimana di istiharkan dalam Warta Kerajaan Negeri Johor Bil.- 654 bertarikh 23hb April 1987 bagaimana Misc Doc. Jld 219 Fol. 100 Bertarikh 9th Ogos .1987.
>
> Bi1:_____PTG.XKYJ/3/80-3
> t.t
> Pendaftar Hakmillk
> Tanah Johor.
> (cop Mohor)

Flowing from this, is it appropriate to say that since the register document of title to the land has been registered with a requisition as provided in Form "A" of the First Schedule to s. 7 of the Enactment, the land in question is not only a Malay holding but also a Malay Reservation. If this is the intention of the Legislature, then clear precise words should have been employed. Thus, it is appropriate and opportune for the relevant authority to amend the words employed in Form "A" to the First Schedule, s. 7 and especially s. 20 of the Enactment. s. 20 of the Enactment should be amended so as to prohibit all dealings or disposals whatsoever and all attempts to deal in or dispose of Malay Reservation land or Malay holding contrary to the provisions of the Enactment to be null and void and further to stipulate that no land officer in Johor shall register any dealing which is null and void. It is here, perhaps, that the learned State Legal Adviser, Johor Bahru should, once again, step in and play his legal role. Be that as it may, the question here for determination is whether the plaintiff is entitled to the declaration which she sought for. Certain observations need to be highlighted. Firstly, during the lifetime of the plaintiff, the land remains registered in her name and she can sell the land after 24 April 1989 to certain categories of people as stated in the early part of this judgment. Secondly, upon the death of the plaintiff the question of inheritance would arise. Since the plaintiff's husband and her two children are Singapore citizens and being Singapore Malays they cannot inherit the land. No land officer in Johore would register the land in the plaintiff's husband's name or in the plaintiff's children's name in view of the ruling by the Johore State Government as reflected in the circular from the office of the Johore Director of Lands and Mines as adverted to earlier. What will then happen to the land? Will the Johore State Government forfeit the land and, if the answer is in the positive, what would be the remedy available to the beneficiaries? There are, sad to say, no provisions in the Enactment in regard to these matters. Had there been such a provision in the Enactment, the plaintiff would not have come to this Court seeking a declaration as per enclosures 3, 4 and 4A. Section 7 (vi) of

the Enactment speaks of the duty of the proper registering authority before making a memorial on the register document of title. That duty is certainly onerous and it is worded thus:

> 7 (vi) Notwithstanding anything hereinbefore in this section contained the proper registering authority shall not make any memorial under this section on the register or issue document of title for any land of which the sole proprietor is not a Malay or of which none of the co-proprietors are Malays.

On the facts the proper registering authority had acted prudently within the scope and purview of s. 7 (vi) of the Enactment because, at the material time, the plaintiff as the registered proprietor of the land was a "Malay" as defined under s. 2 of the Enactment. To recapitulate the facts are as follows:

(1) 21 July 1974 - the land registered in the name of the plaintiff who was at that time a Malaysian Malay holding onto a Malaysian citizenship status.

(2) 8 January 1983 - The plaintiff followed her husband who is a Singapore Malay to Singapore and there she acquired Singapore citizenship; this made her as a Singapore Malay; she stayed in Singapore with her husband.

(3) 23 April 1987 - the land was gazetted as a Malay Reservation and a memorial to that effect was made on the register document of title; at this point of time even though the plaintiff is a Singapore Malay she is regarded as a "Malay" under s. 2 of the Enactment.

(4) 24 April 1989 - the Johore State Government made a ruling and restricted the meaning to the word "Malay" under section Enactment to Malays who are Malaysian citizens.

The proper registering authority as envisaged in section 7 (vi) of the Enactment would not be in position to foresee that by 24 April 1989 the meaning the word "Malay" under s. 2 of the Enactment would be restricted and confined only to Malaysian citizens of the Malay race. Must the plaintiff be made a scapegoat by the ruling of the Johore Government?

Syarikat Macey Bhd. v. Nightingale Allied Services (sued as a firm) & Ors. [1995] 2 MLJ is of no help to the plaintiff. In that case, the land in question was never registered in the name of any Malay proprietor or co-proprietor, unlike the present case before me, and, consequently, the memorial that was entered on the register document of title in that case which reflected that the land in question was a Malay Reservation land was said to be erroneous as it contravened s. 6 (vi) of the Malay Reservation Enactment (FMS Cap. 142).

It is apt to say that human law must generate justice. An extreme law is often associated with extreme injustice. How then can justice be meted out to the plaintiff? Viscount Radcliffe in *Ibeneweka v. Egbuna* [1964]1 WLR 219 P.C. especially at page 224 was of the view that though declaratory relief can be obtained in every imaginable situation, yet the Courts are empowered to grant that declaratory relief after having exercised a judicial discretion. As an aggrieved party, the plaintiff is entitled to seek a declaration from this Court to ascertain her rights and obligations in regard to the land (*Pyx Granite Co. Ltd. v. Ministry of Housing & Local Government* [1960] AC 260; [1959] 3 All ER 1 HL). As a registered proprietor of the land, the plaintiff is interested to see that the land be inherited by her husband and her children. It is my judgment that as non-Malays the plaintiff's husband and her children cannot inherit the land upon on the death of the plaintiff. The only obstacle which should be removed is to revoke the status of the land as a Malay Reservation. Unfortunately, the Pendaftar Hakmilik Tanah, Johor Bahru was not able to assist the plaintiff when she wrote in through her solicitors to seek revocation of the status of the "RIZAB MELAYU" on the register document of title. This Court is the right forum to adjudicate on such matters (see the decision of Ali FJ, in *Hanisah v. Tuan Mat* [1970] 1 MLJ 213 FC) and accordingly, a declaratory order as sought for by the plaintiff in enclosures 3, 4 and 4A are now made by me. This must surely be the best anecdote for the plaintiff. Justice must not only be done but must seen to be done. It said that there is one universal law and that law is justice. Justice is said to be the cornerstone of each nation's law. I do not propose, in the circumstances of this case, to make any order as to costs.

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